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J. Miller

DOCKET NO.: 9350-0169-0

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

Werner POMPETZKI et al

: GROUP ART UNIT: 1621

SERIAL NO.: 09/618,044

: EXAMINER: E. Price

FILED: July 17, 2000

FOR: PROCESS FOR THE HYDROGENATION OF ACETONE

LETTER SUBMITTING EXECUTED DECLARATION

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

Applicants respectfully submit the original executed Declaration under 37 C.F.R. §1.132 to replace the unexecuted Declaration under 37 C.F.R. §1.132 which was originally filed in the U.S. Patent and Trademark Office on May 15, 2001.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

FD Vastine

Norman F. Oblon
Attorney of Record
Registration No.: 24,618



22850

Frederick D. Vastine, Ph.D.
Registration No.: 27,013

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DECLARATION UNDER 37 C.F.R. §1.132

ASSISTANT COMMISSIONER FOR PATENTS

WASHINGTON; D.C. 20231

SIR:

Now comes Dr. Werner Pompetzki, who deposes and says that:

1. I am an inventor of the above-identified application.
2. In chemistry, I received the Diplom-Chemiker degree from _____
3. Since 1990, I have been employed the Phenolchemie GmbH as a researcher engaged in the study of Hydrogenation of acetone.
4. I have read the specification of the present application and the outstanding Office Action in the record of the application.
5. That in order to demonstrate that the content of water in the hydrogenation of acetone by the process of the invention has a material impact upon the composition including byproducts of the product obtained upon hydrogenation, the following experiments were conducted.

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Ten experiments were conducted in which acetone was hydrogenated in the liquid phase wherein the content of water in the acetone starting material continually changed (increased) with successive experiments. Thus, in experiment A in the Table on the attached page, the water content of the starting acetone material was 241 ppm, which yielded 191 ppm of total byproducts, with the water content of the acetone starting material gradually increasing in successive experiments so that the water content of the acetone starting material of experiment J was 1099 ppm yielding a total byproduct content of 488 ppm.

TABLE

Product Composition	A	B	C	D	E	F	G	H	I	J
Isopropanol	%	99.92	99.92	99.91	99.89	99.85	99.87	99.90	99.89	99.86
Acetone	ppm	497	435	461	500	553	724	708	450	575
Diisopropylether	ppm	99	142	175	191	198	200	208	202	200
Methanol	ppm	36	42	46	49	50	51	51	50	51
Mesityloxide (MOX)	ppm	4	3	3	3	3	2	2	2	2
Methylisobutylketone (Mibk)	ppm	-	-	-	-	-	-	-	-	-
4-Methylpentanol-2	ppm	6	11	12	17	20	31	26	26	30
Hexylenglycol	ppm	46	93	125	210	175	193	203	196	198
Water	ppm	365	494	570	716	753	971	985	1148	1165
Water formation from the starting material	ppm	ca. 124	ca. 163	ca. 91	ca. 155	ca. 73	ca. 222	ca. 195	ca. 107	ca. 119
										ca. 149

6. The results demonstrated in the table clearly demonstrate the sensitivity of the hydrogenation reaction of acetone to isopropanol in the liquid phase to the content of water in the acetone starting material. Accordingly, the importance of the limitation of Claim 1 which specifies that the water content of the acetone to be hydrogenated should be $\geq 1\%$ by weight is demonstrated. The results obtained are indicative of the commercial importance of the present process in producing high purity isopropanol in high yield.

7. The undersigned petitioner declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

8. Further deponent saith not.

Werner Bocupetz

Signature

04.07.2001

Date

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Applicants: Werner POMPETZKI et al

Filing Date: July 17, 2000

For: PROCESS FOR THE HYDROGENATION OF ACETONE

Group Art Unit: 1621 Examiner: E. Price

SIR:

Attached hereto for filing are the following papers:

**LETTER SUBMITTING EXECUTED DECLARATION
DECLARATION UNDER 37 C.F.R. §1.132 (EXECUTED)**

Our check in the amount of \$-0- is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. §1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. §1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

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